

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the 16th day of May 2005
Criminal Misc. Bail Application No. 393/2005

Order on the bail application of accused

CRIMINAL SIDE

Mohammad Aslam
S/o Shri Abdul Salam
R/o Line No. 16 Ajad Nagar, Haldwani
Police Station Haldwani
District Nainital

..... Applicant

Versus

State of Uttaranchal

....Opposite Party

Arising out of case crime No.948 of 2005
U/s 342, 307 I.P.C.
P.S. Haldwani
District Nainital

Hon'ble J.C.S. Rawat, J.

Heard Sri Lalit Sharma learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It has been alleged that the two attacks were made on the complainant by the sharp weapon, however, there were seven injuries on the person of the victim. Learned A.G.A. stated that the chagesheet has been filed and no supplementary medical report is on record, which will show that the injury no. 1 is dangerous to life or not. The learned counsel for the applicant contended that the victim was relieved from the hospital on the next day of incident and the statement was recorded on 17.2.2005. The learned counsel for the applicant contended that according to the statement of the victim, two injuries were caused on the victim and on the other side the medical evidence reveals that there were seven injuries on the victim. Apart from this, the injuries are not fatal to the life. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

However, the finding given as above will not prejudice the trial court during the trial.

(J.C.S. Rawat, J.)

Dated 16.5.2005
LSR